



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**APR 12 2016**

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article Number: 7014 1200 0000 6124 8059

Ms. Ashlee Gutierrez  
Environmental Specialist  
Axalta Coating System LLC  
803 35<sup>th</sup> Street  
Fort Madison, Iowa 52627

RE: Axalta Coating System LLC  
Fort Madison, Iowa  
RCRA ID No.: IAR000518142

Dear Ms. Gutierrez:

**Letter of Warning/Request for Information**

On September 8-9, 2015, a representative of the U. S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act.

My staff has reviewed the inspection report, your September 25, 2015, response to the Notice of Preliminary Findings and your February 29, 2015, verbal and written responses to EPA's telephone call with you on February 29, 2016. The EPA has determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



Printed on Recycled Paper

Within 30 calendar days of receiving this letter, please mail your response to: Deborah Bredehoft, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Ms. Bredehoft, of my staff, at (913) 551-7164.

Sincerely,

A handwritten signature in dark ink, appearing to read "Becky Weber". The signature is fluid and cursive, with the first name "Becky" written in a larger, more prominent script than the last name "Weber".

Becky Weber  
Director  
Air and Waste Management Division

Enclosures (3)

cc: Ms. Amie Davidson, Chief, Contaminated Sites Section  
Iowa Department of Natural Resources

List of Violations  
Axalta Coating System LLC  
Fort Madison, Iowa  
RCRA ID No.: IAR000518142

1. \* Title 40 Code of Federal Regulations (40 CFR) 273.14(e) – Failure to label one universal waste lamps container with the words “Universal Waste-Lamps”, “Waste Lamps”, or “Used Lamps.”
2. 40 CFR 262.34(a)(4) referencing 40 CFR 268.3(a) – Impermissible dilution of hazardous waste wipes as a substitute for adequate treatment.
3. 40 CFR 262.34(a)(2) – Failure to clearly mark an accumulation start date on a hazardous waste accumulation container.
4. \* 40 CFR 262.34(a)(3) – Failure to label a hazardous waste accumulation container with the words “hazardous waste.”
5. \* 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(d) – Failure to include the home addresses for the Emergency Coordinator and alternates in the RCRA Contingency Plan.
6. \* 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(d)(3) – Failure to maintain a written description of the type and amount of continuing training provided for employees who manage hazardous waste.
7. 40 CFR 262.34(c)(1)(ii) – Failure to label satellite accumulation containers with the words “hazardous waste” or other words to identify the contents.

\*The following violations were adequately addressed through previous correspondence.

Requested Information  
Axalta Coating System LLC  
Fort Madison, Iowa  
RCRA ID No.: IAR000518142

1. With regard to Violation Number 2, at the time of the inspection, the waste shop towels (used for general cleaning and spill clean up) were soaked in water to remove the solvent and reduce the ignitability prior to being sent for laundering. After laundering, the towels were returned for reuse. Please provide the following information about the management of the shop towels and the water in which the towels were soaked:
  - a. documentation of hazardous waste determinations on:
    - the shop towels prior to being soaked in water; and
    - the water generated from the towels being soaked;by providing the following information:
    - ii. a determination of whether or not the waste has been excluded from regulation under 40 CFR 261.4.
    - iii. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR 261. **If the waste is a listed waste, please provide the listed waste code in your response;** and
    - iv. a determination of whether or not the waste is identified in 40 CFR 261 Subpart C. To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to the EPA as well as a detailed description as to how each sample was taken. The laboratory analyses required may include ignitability tests (40 CFR 261.21), corrosivity tests (40 CFR 261.22), reactivity tests (40 CFR 261.23), and/or toxicity characteristic leaching procedure testing. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code in your response.**
    - v. If your facility elects to apply knowledge to make a waste determination on the paint booth filters, you must provide a detailed explanation and your reasoning regarding the basis for this determination. Material Safety Data Sheets may provide information to supplement your response. **Also, if you apply knowledge to make the determination, please include all hazardous waste codes for the wastes in your response.**
  - b. state the applicable hazardous waste codes for the shop towels and the water generated by soaking the waste shop towels;
  - c. state how, at the time of the inspection, Axalta managed the water in which the shop towels were soaked (e.g., how the container was managed, how the water was transported from the facility, how the water was disposed, etc.); and
  - d. state and provide supporting documentation demonstrating how the rags are currently being managed.

2. With regard to Violation Number 3, the inspector was informed that the contents of the 2, 55-gallon drums accumulating in Building 3 Pressroom (each  $\frac{3}{4}$  full at the time of the inspection) were incompatible because a mixture of the two wastes would solidify. Within Axalta's September 25, 2015, response, Axalta stated that the drums will both be kept in the area and better designated by drawing a line between the containers or by placing one container on the north wall and the other container on the corner of the east wall with lines designating each location. Please provide the following information:
- state and provide documentation outlining the points of generation for each of these containers;
  - state how the new locations meet the definition of satellite accumulation areas (e.g., state the distance between the two containers, state how their contents will be separated, ensure that less than 55-gallons is maintained in the satellite accumulation area, etc.);
  - at the time of the EPA's inspection, the contents of the two containers exceeded 55-gallons and therefore, the containers were subject to the accumulation container requirements found at 40 CFR 262.34(a) which require, among other requirements, the following:
    - dated when 55-gallons is exceeded (40 CFR 262.34(a)(2));
    - containers of incompatible waste must be separated by means of a dike, berm, wall, or other device (40 CFR 262.34(a)(1)(i) referencing 40 CFR 265.177(c)); and
    - inspected on a weekly basis (40 CFR 262.34(a)(1)(i) referencing 40 CFR 265.174).

State and provide photographic documentation of how Axalta will either:

- avoid generating and accumulating greater than 55-gallons in the satellite accumulation area in Building 3 Pressroom; or
  - how Axalta will ensure that the applicable accumulation regulations are met when 55-gallons in the satellite accumulation area is exceeded in Building 3 Pressroom.
3. With regard to Violation Number 7, please provide:
- photographic documentation showing how the 5-gallon drip containers with plastic lines are currently labeled; and
  - a narrative outlining how the containers will be managed in the future.
4. Pages 15 and 16 of the EPA's September 8-9, 2015, inspection report discusses the management of process wastewater from polymer production areas that is treated and discharged to the City of Fort Madison's sanitary sewer system under an Industrial User Permit. The report states that the process wastewater is piped to a decant tank in the Wastewater Treatment Building, where solvent is physically separated from the wastewater and the decanted solvent is hard-piped to the "dirty solvent" tank in Building 58 for recovery via the closed-loop thin film evaporator (TFE) system. The wastewater generated from the physical separation from the dirty solvent is then passed through filtration columns (with bags and beads) to further remove organic contamination. Following filtration, the wastewater is held in process water tanks prior to discharge to the sanitary sewer. An employee explained that the filter system is designed to be a closed-loop system which includes steam stripping of the media between filtrations. The steam stripping removes residual organic contamination from the bead media.

An employee further explained that the filter columns hold filter bags and bead media. The filter bags are managed by being placed into a hazardous waste satellite accumulation container. The bead media is changed out and replaced by the supplier and sent offsite for regeneration and are not considered to be a hazardous waste.

Please provide the following information about processes and various materials that are generated during the processing of the wastewater:

- a. a detailed narrative with process flow diagrams describing the following processes used to manage the process wastewater and other materials generated:
  - i. the process of physically separating the wastewater from the solvent;
  - ii. the “closed-loop” TFE system;
  - iii. the process that uses filtration columns for the wastewater after physical separation of the dirty solvent from the wastewater;
- b. for each of the following materials:
  - the process wastewater as it exits the process;
  - the dirty solvent that was physically separated from the wastewater and hard-piped to the “dirty solvent” tanks in Building 58;
  - the wastewater that remains after the physical separation of the dirty solvent;
  - any sludge generated from the closed-loop TFE system;
  - the filter bags; and
  - the spent bead media.

Please provide the following:

- i. documentation of the hazardous waste determination (as outlined in request for information number 1.a.) including all applicable hazardous waste codes;
    - ii. if any of the materials is determined to be exempt from either for the definitions of either hazardous or solid waste, please provide a narrative, with supporting documentation, outlining how this material meets the exemption’s criteria;
    - iii. the amount generated (e.g. 50 gallons per month, 2 tons every other year, etc.);
    - iv. for each of the materials that is removed from the Axalta facility, please provide documentation showing how the materials was removed at the time of the inspection and, if different, how the material is currently removed (e.g., manifested, general trash, under a water permit, etc.);
  - c. with regard to the tanks in the processes listed in request for information number 4.a.:
    - i. how, at the time of the inspection, Axalta was managing any tanks in which the materials were accumulated in the processes; and
    - ii. the current regulatory status of any tanks where the materials are accumulated during the processes.
5. With regard to Axalta’s Contingency Plan, please provide a copy of your current contingency plan, that includes the following:
- a. a complete list of the emergency equipment with the physical description, capabilities, and location of each piece of emergency equipment; and
  - b. documentation that the descriptions of the evacuation signal has been incorporated into the contingency plan.

### 3007 RESPONSE INSTRUCTIONS

- \* Identify the Person(s) responding to this request on your behalf.
- \* Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- \* For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- \* For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- \* For each numbered item, identify all persons consulted in the preparation of the answer.
- \* For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- \* If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- \* If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- \* If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- \* You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- \* The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- \* A request for an extension to the time limit for responding must be in writing and must be postmarked within 5 calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- \* Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at [www.epa.gov/epahome/cfr40.htm](http://www.epa.gov/epahome/cfr40.htm).
- \* This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- \* The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

